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June 10, 2015

*Via Email and ECF*  
Honorable Michael A. Shipp  
United States District Court Judge  
Clarkson S. Fisher Federal Bldg.  
& Fed. Courthouse  
402 East State Street, Courtroom 1  
Trenton, NJ 08608

RE: United States v. Marijan Cvjeticanin  
Crim. No. 14-CR-274 (MAS)

Dear Judge Shipp:

The above referenced trial is scheduled to commence before Your Honor at 12:00 p.m., June 22, 2015. At this time defendant and counsel for defendant are respectfully requesting a two-week adjournment of the trial date for the reasons set forth below.

In the last few weeks, the government has provided the defense with approximately 60,000 pages of documents contained in 6 Discovery discs (received by the defense on May 5, June 1, June 9, respectively). These discs include tens of thousands of emails between employees of ADP, Broadridge, and Wildes & Weinberg, including thousands of emails from and to Mr. Cvjeticanin. A review of all of these documents and emails are essential to defend against the allegations set forth in the Superseding Indictment, and Mr. Cvjeticanin's alleged scheme to defraud. The government advised the defense two days ago, that it would be disclosing many more emails from Wildes & Weinberg of Mr. Cvjeticanin's communications with others. While the government has suggested that these emails "might" be duplicative of earlier emails provided to the defense, it would be remiss of the defense to not review each and every one provided. In addition, with less than two weeks until the trial start date, the defense has not received the "actual" newspaper classified sections from the subpoenas served by the government on the Star ledger or the New York Times. Those newspapers are vital for

defending 8 of the 12 charges asserted against Mr. Cvjeticanin in the Superseding Indictment.<sup>1</sup> As to the New York Times, which is vital to one count in the Indictment, the defense has yet to be provided with even a legible copy of the classified section of the paper relating to the charge. Also, the government advised recently that it intends to introduce two months of Sunday classified sections for all the newspapers in the Superseding Indictments, which makes for a total of an additional 96 classified sections of newspapers that the defense has never seen nor reviewed.

A review of the tens of thousands of emails and other documents we received in the last few weeks, as well as the additional emails yet to be received from the law firm, may provide crucial rebuttal to the government's allegation that the defendant was engaged in a scheme or artifice to defraud the corporate victims. Moreover, the defense needs an opportunity to review and analyze the newspaper advertisements relevant to the counts in the Superseding Indictment. These advertisements are essential for the government to prove its' case, and vital for the defense to defend against the charges. Not having these essential materials less than two weeks out for trial has put the defense at an extreme disadvantage.

It is respectfully submitted that a two week delay in the trial start date will not disadvantage the government, and will ensure that defendant is afforded adequate time to obtain and review the evidence, and prepare his defense. Mr. Cvjeticanin is faced with 12 counts of mail fraud. He is facing a statutory maximum of 30 years in prison, and an advisory Guideline sentence of between 57 – 72 months. Given the magnitude of sentence that defendant is facing if convicted of all charges, a two-week adjournment is not an unreasonable request.

Respectfully yours,  
s/  
Lorraine Gauli-Rufo  
Thomas Ambrosio  
Attorneys for Marijan Cvjeticanin

cc: Francisco J. Navarro, AUSA (via email and ecf)  
Dennis Carletta, AUSA (via email and ecf)

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<sup>1</sup> The government's assertion that copies of newspaper advertisements provided to the defense, purported by the government in "verbal assurances" to be the actual advertisements in the paper shown, can not be relied on by the defense in preparing this matter for trial and defending against these charges.